

Attorney Ref. 20002.0288

**REMARKS**

This communication is in response to the non-final Office Action issued April 26, 2005. The Examiner objected to claim 5. The Examiner rejected claims 2-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. The Examiner rejected claims 1-9, 18-32, and 37-39 under 35 U.S.C. § 102 in view of either of U.S. Patent Nos. 5,725,891 to Reid, Jr. ("Reid") or 4,718,842 to Labbe *et al.* ("Labbe"). The Examiner rejected claims 10-17 and 33-36 under 35 U.S.C. § 103 in view of varying combinations of Reid, Labbe, and U.S. Patent Nos. 3,596,317 to Nicholson ("Nicholson") and 4,929,165 to Inaba *et al.* ("Inaba").

Claim Objections

In section 1 of the Office Action, the Examiner objected to claim 5, citing the phrase "and the like." Claim 5 has been amended above to remove the language cited by the Examiner, in view of which the Examiner's objection is believed to be overcome.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

In section 3 of the Office Action, the Examiner rejected claims 2-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Specifically, the Examiner cited the "feeder channel" recitation of claim 2.

The Applicants respectfully traverse the Examiner's rejections. The Applicants' use of "feeder channel" throughout the specification, including the claims, is clear. By indicating the Applicants meaning of the term, the Examiner admits as much. An artisan of ordinary skill would readily understand what is being disclosed and claimed.

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In view of the foregoing, the Examiner's rejections under 35 U.S.C. § 112, second paragraph, of the claims are believed to be overcome.

Claim Rejections Under 35 U.S.C. § 102

In sections 4-6 of the Office Action, the Examiner rejected claims 1-9, 18-32, and 37-39 under 35 U.S.C. § 102 in view of either Reid or Labbe. Specifically, the Examiner rejected claims 1-9 and 37-39 in view of Reid and claims 18-32 in view of Labbe.

It is well settled that for a rejection of a claim under 35 U.S.C. § 102 to be proper, each and every element as set forth in the claim must be found in a single reference. See, for example, MPEP § 2131. For at least the reasons stated below, the Examiner's rejections of the claims do not satisfy this burden.

*The Rejections Based on Reid*

Reid discloses a molding machine including upper and lower mold plates that include heat transfer channels. The Reid channels, however, are not provided in separate, coplanar series. Instead, Reid provides only one series of channels which, of course, are interconnected. See the arrows in figure 3, indicating a common flow path among all of the channels. See, also, the arrows in figure 4, which indicate the flow path of the sole heat transfer medium that passes through all of the bores. Claims 1 and 37 require two series of channels that are separate and coplanar. The Examiner's attention is kindly directed to, for example, page 12, line 15 to page 13, line 16, where the benefits of separate and coplanar channels are discussed. The Examiner did not address these requirements of claims 1 and 37. Reid does not satisfy these requirements of claims 1 and 37 (and the claims dependent therefrom), so the rejections are improper and must be withdrawn.

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Furthermore, the Applicants note that the Examiner has relied upon different embodiments disclosed in Reid without providing reasoning or motivation as to how the separate embodiments can be combined. Indeed, the Examiner has relied upon the prior art disclosure of figures 1-2 in combination with the two inventive disclosure embodiments of figures 3-4. This combination of teachings from different embodiments is more aptly suited for an obviousness-based rejection than an anticipatory-based rejection.

The Applicants further traverse the Examiner's rejections of claims 4-9. The plugs (54) disclosed in the Reid description of the prior art allow the user to define the flow path by selectively blocking the cross-bores to create a serpentine series flow. These plugs, however, do *not* allow different thermal media to be used because there is only one series of bores and any differing media introduced into the bores would necessarily mix and interact. Thus, contrary to the Examiner's statement, the introduction of steam and cooling liquid could not be used in the Reid device - they would simply intermingle, rendering each of them less useful or useless for their intended purpose. The text cited by the Examiner relates to independent use of heat transfer media through the same bores, rather than use of a first heat transfer media through a first series of bores and a second, differing heat transfer media through a second, separate series of bores.

The Applicants further traverse the Examiner's assertions in the last paragraph of section 5 ("In regard to the size, the shape ..."). It is not clear to which claim recitations the Examiner is referring.

#### *The Rejections Based on Labbe*

The Applicants have amended claim 18 to include the recitations of claims 19 and 20, which have been canceled. In addressing the recitations of claim 20 (as well as claims 21-32), the Examiner broadly stated that Labbe included a "feed back control system" without providing any detail whatsoever regarding the specifics of the Applicants' claim language or what parts of

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the Labbe system satisfy the claim requirements. As such, the Examiner has not satisfied the requirements for a *prima facie* obviousness rejection. The rejection, therefore, is improper and must be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

In sections 7-10 of the Office Action, the Examiner rejected claims 10-17 and 33-36 under 35 U.S.C. § 103 in view of varying combinations of Reid, Labbe, Nicholson, and Inaba. Specifically, the Examiner rejected claims 10-12 in view of Reid modified by Nicholson, claims 10 and 13-17 in view of Reid modified by Labbe, and claims 33-36 in view of Labbe modified by Inaba.

The allowability of the independent claims being established above, the Examiner's obviousness rejections are believed mooted.

Additional Fees

The Commissioner is hereby authorized to charge any insufficiency, including a \$120 one-month extension for response fee, or credit any overpayment associated with this application to Swidler Berlin LLP Deposit Account No. 19-5127 (order no. 20002.0228).

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Conclusion

Claims 5, 18, and 21 have been amended, and claims 19 and 20 have been canceled. Thus, claims 1-18 and 21-39 are pending in the application, and are believed to be in condition for allowance. In view of the foregoing, all of the Examiner's objections and rejections of the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all claims. Should the Examiner feel further communication would help prosecution, the Examiner is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,



Sean P. O'Hanlon  
Reg. No. 47,252

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Swidler Berlin LLP  
3000 K Street, NW  
Suite 300  
Washington, DC 20007  
(202) 295-8429